IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 503 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA Sd/-

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ? **1 to 5 NO**

==========

OIL AND NATURAL GAS CORPORATION LTD. - Applicant(s)
Versus
STATE OF GUJARAT - Respondent(s)

==========

Appearance :
MR AJAY R MEHTA for Applicant(s) : 1,
MR SS PATEL ADDL PUBLIC PROSECUTOR for Respondent(s) : 1,

==========

CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 09/01/2007

ORAL JUDGMENT:

1. By this revision application, the petitioner has challenged the conditions subject to which crude oil was ordered to be handed over to it by order dated 28.7.1999 of the learned Judicial Magistrate,

First Class, Kalol. The crude oil in question was caught alongwith tanker No.GJ-6-T-4827 wherein it was alleged to have been contained as muddamal of the alleged theft. The owner of the tanker was already ordered to be granted custody of the tanker and he had not taken any objection to the crude oil being released to the petitioner. Under the circumstances, by way of interim relief, while admitting the petition, this court has already ordered handing over of the crude oil merely on a request letter made by any officer of the rank of Class I of the petitioner, subject to the outcome of the present petition.

2. It was stated at the Bar that the criminal case regarding the aforesaid alleged theft was pending in the trial court and the parties would have no objection in abiding by any order, in respect of the crude oil, that may be made by the trial court at the end of trial. Therefore, in short, it was requested that Rule herein may be made absolute in terms of the order of interim relief. Accordingly, Rule is made absolute with no order as to costs, with the clarification that the crude oil released to the petitioner under the interim order of this court shall abide by the final orders that may be made by the trial court in the aforesaid criminal case.

Sd/-

(D.H.Waghela, J.)

(KMG Thilake)